

JOURNAL OF THE HOUSE.

Tuesday, April 20, 2004.

Met at seventeen minutes after eleven o'clock A.M., in an Informal Session, with Mr. DiMasi of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we believe in You and place our confidence and trust in You and Your ways. In these difficult and uneasy times of possible terrorist threats, we depend upon You and Your assistance to guide us in our struggle, as leaders, to respond intelligently, justly and wisely. With a diversity of political philosophies, views and opinions in our communities, teach us to work together as a people in resolving issues in a mature and thoughtful manner. Grant us the wisdom and the leadership qualities to focus our disagreements on principles, policies and programs. In addressing issues, may our data be accurate, our information relevant and our manner considerate. May the common good remain our common goal.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. DiMasi), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill exempting members of the police force of the town of Hopedale from the civil service law [see House, No. 4309] (for message, see House, No. 4685) was filed in the office of the Clerk on Friday April 16.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mrs. Parente of Milford, to the committee on Bills in the Third Reading.

Distinguished Guests.

During the session, the Chair (Mr. DiMasi of Boston) declared a brief recess and introduced Bob Sewall of Indianapolis, Indiana and Joseph and Virginia Sewall of Denver, Colorado. The Messrs. Sewall being direct descendants of Associate Justice Samuel Sewall who is immortalized in the mural of Albert Herter “Milestones on the Road to Freedom in Massachusetts” that is prominently displayed in the House Chamber; and also being the direct descendants of Joseph Sewall, Treasurer and Receiver General of the Commonwealth from 1828 to 1831, inclusive.

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Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bosley of North Adams) recognizing the public interest in supporting the Council of State Governments; and

Resolutions (filed by Mr. O'Brien of Kingston) congratulating George D. Cravenho on the occasion of his retirement;

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. O'Flaherty of Chelsea) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on The Judiciary be granted until Wednesday, May 5, 2004, the time within which to make its final report on current House document numbered 4575.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Rushing of Boston, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Order relative to granting until Thursday, April 15, 2004 the time within which the committee on Taxation is authorized to report on current House document 4485 and current Senate documents 1804 and 2180 came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out the date “Thursday, April 15, 2004” and inserting in place thereof the date “Friday, April 23, 2004”.

Under suspension of Rule 35, on motion of Mr. Rushing of Boston, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the town of Maynard to grant an easement over certain conservation land (printed in Senate, No. 2169, amended by striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. The conservation commission of the town of Maynard may allow the department of public works of the town to construct and maintain a 15-foot-wide water main on conservation

Council of State Governments.

George D. Cravenho.

Judiciary committee, extension of time for reporting.

Taxation committee, extension of time for reporting.

Maynard, easement.

Prayer.

Pledge of allegiance.

Hopedale, police.

Bob, Joseph and Virginia Sewall.

land as shown on Assessor's Map 5, Parcel 4 and referenced in a deed in the South Middlesex registry of deeds, Book 23826, Page 176. The conservation commission may require appropriate mitigation to return the conservation land to its condition before the construction.") (on a message from His Excellency the Governor), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Westborough,  
liquor license.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2326) of Pamela P. Resor, Karyn E. Polito, Paul J. P. Loscocco and George N. Peterson, Jr. (by vote of the town) for legislation to authorize the town of Westborough to grant an additional license for the sale of wines and malt beverages to be drunk on the premises; and

Westborough,  
liquor licenses.

Petition (accompanied by bill, Senate, No. 2327) of Pamela P. Resor, Karyn E. Polito, Paul J. P. Loscocco and George N. Peterson, Jr. (by vote of the town) for legislation to authorize the town of Westborough to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises;

Swansea,  
treasurer-  
collector.

Severally to the committee on Government Regulations.

Petition (accompanied by bill, Senate, No. 2325) of Joan M. Menard and Patricia A. Haddad (by vote of the town) for legislation relative to the town of Swansea. To the committee on Local Affairs and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Municipal  
finance.

Petition (accompanied by bill, Senate, No. 2332) of James N. Thivierge for legislation relative to municipal finance. To the committee on Local Affairs and Regional Government.

Thomas F.  
Sweeney, Jr.,  
sick leave  
bank.

Petition (accompanied by bill, Senate, No. 2333) of Stephen M. Brewer and Anne M. Gobi for legislation to establish a sick leave bank for Thomas F. Sweeney, Jr., an employee of the Department of Correction. To the committee on Public Service.

Reports of Committees.

Commerce and  
Labor, study.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on Senate, Nos. 87, 93 and 106 and House, Nos. 666, 801, 1810, 2202, 2388, 2562, 3110, 3293, 3807, 3815, 4316, 4343, 4423 and 4446 an Order relative to authorizing the committee on Commerce and Labor to make an investigation and study of certain Senate and House documents concerning consumer protection and unemployment insurance (House, No. 4684).

Transporta-  
tion, study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 291, 292, 478, 479, 1037, 1039, 1040, 1231, 1232, 1411, 1413, 1414, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1608, 1609, 1786, 1787, 1788, 1789, 1790, 1791, 1793, 1798, 1801, 1802, 1803, 1804, 1987, 1988, 2186, 2189, 2190, 2377, 2559, 2724, 2725, 2726, 2728, 2729, 2910, 3272, 3274, 3275, 3276, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3623, 3826 and 4443, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the

construction and operation of transportation authorities (House, No. 4683).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Sheila Mahan, an employee of the Trial Court of the Commonwealth (see House, No. 4481), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Sheila Mahan,  
sick leave  
bank.

Engrossed Bills.

The engrossed Bill extending the service of the incumbent Adjutant General (see printed in House, No. 4568) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

Engrossed Bill.

The engrossed Bill authorizing the town of Wellesley to establish a group insurance liability fund (see House, No. 3869, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
re-enacted.

Engrossed bills

Authorizing the city of Quincy to establish funds to enhance streets and sidewalks and to oversee the Quarry Hills recreation complex (see Senate, No. 2167);

Relative to the charter of the town of Rockland (see Senate, No. 2189);

(Which severally originated in the Senate);

Relative to the taxation of certain property in the town of Belmont (see House, No. 3980); and

Relative to the retirement and health benefits of certain elected officials of the town of Richmond (see House, No. 4236);

(Which severally originated in the House);

Bills  
enacted.

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bills.

House bills  
Exempting certain positions in the city of Westfield from the civil service law (printed as Senate, No. 1928);  
Relative to retirement rights of school committee appointees (House, No. 3960);  
Relative to certain health premium payments made by the town of Mashpee (House, No. 4085) (its title having been changed by the committee on Bills in the Third Reading); and  
Relative to the boundary line between the towns of Groton and Pepperell (House, No. 4334);  
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Guardian s Day.

The House Bill providing for the annual observance of Guardian's Day (House, No. 4482) was read a second time.  
Pending the question on ordering the bill to a third reading, Miss Garry of Dracut moved that it be amended by inserting before the enacting clause the following emergency preamble:  
"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the annual observance of Guardian's Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."  
The amendment was adopted; and the bill (House, No. 4482, amended) was ordered to a third reading.

Recesses.

Recesses.

At thirteen minutes before twelve o'clock noon, on motion of Mr. Rushing of Boston (Mr. DiMasi of Boston being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-two minutes before two o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.  
The House thereupon took a further recess, on motion of Mr. Lepper of Attleboro, until the hour of two o'clock; and at eleven minutes after two o'clock the House was called to order with Mr. DiMasi in the Chair.

Petition.

Boston, Representative districts.

Mr. Petrolati of Ludlow presented a petition (subject to Joint Rule 12) of Thomas M. Petrolati relative to Representative districts in the General Court; and the same was referred, under Rule 24, to the committee on Rules.  
Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then

reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Petrolati, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the House committee on Rules. Sent to the Senate for concurrence in the suspension of Joint Rule 12.

Subsequently, the Senate having concurred in the suspension of Joint Rule 12, Mr. Scaccia of Boston, for said committee on Rules, reported on the foregoing petition, a Bill relative to Representative districts in the General Court (House, No. 4686). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.  
Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.  
Under suspension of the rules, on further motion of Mr. Petrolati, the bill was read a second and a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-five minutes after two o'clock P.M., on motion of Mr. Petrolati of Ludlow (Mr. DiMasi of Boston being in the Chair), the House recessed until ten minutes before three o'clock; and at that time the House was called to order with Mr. DiMasi in the Chair.

Emergency Measure.

Boston, Representative districts.

The engrossed Bill relative to Representative districts in the General Court (see House, No. 4686), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.  
A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.  
Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Order.

On motion of Mr. Finneran of Boston,—  
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next sitting.

At eight minutes after three o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. DiMasi of Boston being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.